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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,277	08/27/2003	Geoffry A. Westphal	31083.07US2	5507

34018 7590 09/09/2004

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EXAMINER	
LAROSE, COLIN M	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/649,277	WESTPHAL ET AL.	
	Examiner	Art Unit	
	Colin M. LaRose	2623	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Colin M. LaRose*. (3)_____.

(2) *Gary Jarosik (35,906)*. (4)_____.

Date of Interview: *03 September 2004*.

Type: a)☒ Telephonic b)☐ Video Conference
c)☐ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
If Yes, brief description: _____.

Claim(s) discussed: *1*.

Identification of prior art discussed: *n/a*.

Agreement with respect to the claims f)☐ was reached. g)☐ was not reached. h)☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

VIKKRAM BALI
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed Examiner's interpretation of claim 1 - namely that the "selecting from the plurality of resultant images" seems to refer to the resultant images rather than the "compressed" resultant images. As the claim stands, the the resultant images are compressed, but the compressed versions of the resultant images do not appear to be utilized. With respect to the other amendments and issues, Exmainer will consider them upon receipt of a formal response. Attached is a copy of the proposed amendments and remarks.

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facsimile transmittal

To:	Colin M. LaRose Examiner Art Unit 2623 USPTO	Fax:	(703) 746-8385
From:	Gary R. Jarosik	Date:	August 25, 2004
Re:	U.S. Patent Application No. 10/649,277	Pages:	15 (including fax cover sheet)
CC:			

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: Docket No. 31083.07US2 – **Client No. 59505.013000**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Westphal et al.	Examiner:	LaRose, Colin M.
Application No.:	10/649,277	Attny Doc.:	31083.07US2
Filing Date:	08/27/2003	Art Unit:	2623
Title:	System And Method For Image Compression, Storage And Retrieval		

Applicant Initiated Interview Request Form

Submitted VIA FACSIMILE
(703) 746-8385

Tentative Participants:

(1) Gary R. Jarosik (2) Examiner LaRose

Proposed Date Of Interview:

September 3, 2004

Proposed Time Of Interview:

10:00 AM (Eastern)

Type Of Interview Requested:

Telephonic

Exhibits To Be Shown Or Demonstrated:

None

Issues To Be Discussed And Arguments To Be Presented:

1) A proposed amendment to the specification on Page 1, lines 9+ as follows:

It is known in the art to use compression techniques to make graphics Web friendly.

For example, ~~the~~ a Web page ~~"http://web.utk.edu/~cwiek/watch/"~~ describes using Adobe

Certificate of Fax Transmission: I hereby certify that this document is being transmitted via facsimile number (703) 746-8385 to the U.S. Patent and Trademark Office on this 25th day of August 2004.

Gladys Negron-Munoz

PHOTOSHOP software to make graphics images smaller in terms of download time. To this end, the Web page describes using various techniques available in the PHOTOSHOP software to reduce the size of a JPG file. Specific examples set forth in the Web page include changing the resolution of an image, reducing the number of colors in an image, and/or changing the print size of an image to reduce the size of the image file and, thereby, allow for the faster downloading of the image file.

2) A proposed amendment to the claims as follows:

1. (Original) A method for compressing and storing a plurality of images, comprising:

creating for each of a plurality of original images a plurality of resultant images by altering the content of each of the plurality of original images a corresponding plurality of different ways;

compressing each of the plurality of resultant images;

selecting from the plurality of resultant images created from each of the plurality of original images one resultant image;

placing each of the selected one of the plurality of resultant images into a concatenation file; and

creating a look-up table corresponding to the concatenation file by which each of the selected one of the plurality of resultant images is retrievable from the concatenation file.

2. (Original) The method as recited in claim 1, further comprising using a macro in an imaging application to automate the step of creating the plurality of resultant images.

3. (Amended) The method as recited in claim 1, ~~wherein at least one of ways comprises~~ comprising using multiple techniques to alter the content of an original image.

4. (Amended) The method as recited in claim 1, wherein at least one of the ways of altering the content of the original image comprises rotating the original image.

5. (Amended) The method as recited in claim 1, wherein at least one of the ways of altering the content of the original image comprises flipping the original image.

6. (Amended) The method as recited in claim 3, wherein the ways of altering the content of the original image are selected from a group consisting of changing the number of colors in the original image, changing the original image to grayscale, resampling the original image, sharpening the original image, changing the contrast of the original image, changing the brightness of the original image, changing the opacity of the original image, and leaving the original image as-is.

7. (Original) The method as recited in claim 1, wherein the look-up table comprises data indicative of a file name for each of the plurality of original images, data indicative of a starting byte location of the selected one of the plurality of resultant images in the concatenation file for each of the plurality of original images, and data indicative of the length of each of the selected one of the plurality of resultant images in the concatenation file.

8. (Original) The method as recited in claim 7, wherein the look-up table further comprises data indicative of the degree to which each of the selected one of the plurality of resultant images was rotated as compared to its corresponding original image.

9. (Original) The method as recited in claim 7, wherein the look-up table further comprises data indicative of whether each of the selected one of the plurality of resultant images was flipped as compared to its corresponding original image.

10. (Original) The method as recited in claim 1, further comprising adjusting the size of at least some of the original images prior to the step of creating the plurality of resultant images.

11. (Original) The method as recited in claim 1, wherein each of the plurality of resultant images is compressed into a GIF file.

12. (Original) The method as recited in claim 1, wherein the selected one of the resultant images has the smallest file size.

13. (Original) A computer readable media having instructions for automatically compressing a plurality of images, the instructions performing steps comprising:

creating for each of a plurality of original images a plurality of resultant images by altering the content of each of the plurality of original images a corresponding plurality of different ways;

compressing each of the plurality of resultant images;

selecting from the plurality of resultant images created from each of the plurality of original images one resultant image; and

storing the each of the selected one of the plurality of resultant images such that each of the selected one of the plurality of resultant images is retrievable to be displayed as a representation of its corresponding original image.

14. (Original) The readable media as recited in claim 13, wherein the instructions place each of the selected one of the plurality of resultant images into a concatenation file and create a look-up table corresponding to the concatenation file by which each of the selected one of the plurality of resultant images is retrievable.

15. (Original) The readable media as recited in claim 13, further comprising using a macro in an imaging application to perform the step of creating the plurality of resultant images.

16. (Amended) The readable media as recited in claim 13, wherein the instructions use at ~~least one of ways comprises using~~ multiple techniques to alter the content of an original image.

17. (Amended) The readable media as recited in claim 13, wherein at least one of the ways of altering the content of the original image comprises rotating the original image.

18. (Amended) The readable media as recited in claim 13, wherein at least one of the ways of altering the content of the original image comprises flipping the original image.

19. (Amended) The readable media as recited in claim 13, wherein the ways of altering the content of the original image are selected from a group consisting of changing the number of colors in the original image, changing the original image to grayscale, resampling the original image, sharpening the original image, changing the contrast of the original image, changing the brightness of the original image, changing the opacity of the original image, and leaving the original image as-is.

20. (Original) The readable media as recited in claim 14, wherein the look-up table comprises data indicative of a file name for each of the plurality of original images, data indicative of a starting byte location of the selected one of the plurality of resultant images in the concatenation file for each of the plurality of original images, and data indicative of the length of each of the selected one of the plurality of resultant images in the concatenation file.

21. (Original) The readable media as recited in claim 20, wherein the look-up table further comprises data indicative of the degree to which each of the selected one of the plurality of resultant images was rotated as compared to its corresponding original image.

22. (Original) The readable media as recited in claim 20, wherein the look-up table further comprises data indicative of whether each of the selected one of the plurality of resultant images was flipped as compared to its corresponding original image.

23. (Amended) The readable media as recited in claim 13, wherein the instructions adjust ~~further comprising adjusting~~ the size of at least some of the original images prior to performing the step of creating the plurality of resultant images.

24. (Original) The readable media as recited in claim 13, wherein each of the plurality of resultant images is compressed into a GIF file.

25. (Amended) A hand-held device, comprising:

a display;

a memory having stored therein a concatenation file having data corresponding to a plurality of compressed images each representative of an original image and a look-up table

having data indicative of a starting byte location of each of the compressed images within the concatenation file and data indicative of the length of each of the compressed images within the concatenation file;

a program cooperable with the look-up table for accessing the data corresponding to each of the plurality of compressed images and for decompressing and using any accessed data to display an image representative of an original image, wherein the look-up table further comprises data indicative of the degree to which each of the compressed images was rotated as compared to its corresponding original image and the program is adapted to rotate the displayed image so that the orientation of the displayed image corresponds to the orientation of its corresponding original image.

26. (Canceled)

27. (Amended) ~~The hand-held device as recited in claim 25~~ A hand-held device, comprising:

a display;

a memory having stored therein a concatenation file having data corresponding to a plurality of compressed images each representative of an original image and a look-up table having data indicative of a starting byte location of each of the compressed images within the concatenation file and data indicative of the length of each of the compressed images within the concatenation file;

a program cooperable with the look-up table for accessing the data corresponding to each of the plurality of compressed images and for decompressing and using any accessed data to display an image representative of an original image, wherein the look-up table further comprises data indicative of whether each of the compressed images was flipped as

compared to its corresponding original image and the program is adapted to flip the image so that elements of the displayed image are arranged the same as they appear in its corresponding original image.

28. (Original) A system for compressing and storing a plurality of images, comprising:

a computer having a means for creating for each of a plurality of original images a plurality of resultant images by altering the content of each of the plurality of original images a corresponding plurality of different ways; a means for compressing each of the plurality of resultant images; a means for selecting from the plurality of resultant images created from each of the plurality of original images one resultant image; a means for placing each of the selected one of the plurality of resultant images into a concatenation file; and a means for creating a look-up table corresponding to the concatenation file by which each of the selected one of the plurality of resultant images is retrievable from the concatenation file.

29. (Original) A method for compressing and storing a plurality of images, comprising:

creating for each of a plurality of original images a plurality of resultant images by altering the content of each of the plurality of original images a corresponding plurality of different ways;

compressing each of the plurality of resultant images;

selecting from the plurality of resultant images created from each of the plurality of original images one resultant image; and

storing each of the selected one of the plurality of resultant images in a memory device.

3) Comments with respect to the cited references:

A) Applicable law:

It is respectfully submitted that a determination that a claim lacks novelty requires that any combination of prior art references being relied upon include each and every element set forth in the claims, considering each and every word (i.e., it is impermissible to distill a claimed invention down to its "gist" or "thrust."). This requirement that the claimed invention be considered "as a whole" is meant to prevent evaluation of an invention part by part, i.e., breaking an invention into its component parts and then merely finding a reference containing one part, another reference containing another part, etc., and to prevent the impermissible use of the specification of the applicant as a template to combine these parts for the purpose of deprecating the claimed invention. Thus, to assure that such "hindsight reasoning" is not used when assessing the patentability of a claimed invention, a rejection based upon a combination of references requires a demonstration that an artisan of ordinary skill in the art at the time of the invention, confronted with the same problems and with no knowledge of the claimed invention, would have selected the various parts from the references and combined them in the claimed manner. Furthermore, when performing this analysis, it is impermissible to pick and choose from a reference only so much as will support a given position while disregarding what the reference fairly teaches in its entirety.

B) The claimed invention:

As described in the specification of the subject application for patent, the claimed invention is directed to the problem of how to *reduce image storage requirements*, e.g., how to maximize the number of images that are capable of being stored in a memory of limited size. To this end, the independent claims set forth systems and methods that provide for the maximization of the number of images that are capable of being stored in a memory of

limited size. For this purpose, the claims set forth creating for each of a plurality of original images a plurality of resultant images by altering the content of each of the plurality of original images a corresponding plurality of different ways; compressing each of the plurality of resultant images; selecting from the plurality of resultant images created from each of the plurality of original images, i.e., *selecting from the plurality of compressed images created for each original image*, one resultant image; placing each of the selected one of the plurality of resultant images, i.e., *the selected compressed images*, into a concatenation file; and creating a look-up table corresponding to the concatenation file by which each of the selected one of the plurality of resultant images is retrievable from the concatenation file. This is described in the subject application with reference to Figs. 1-3.

C) Takagi:

Takagi discloses a digital camera system where the system predicts what a resulting photograph image will look like depending upon which of various settings for the camera are selected. The predicted images are displayed to a user of the camera and the user can then determine which camera settings should be used when taking the actual photograph image. In this manner, it is possible for a user to know a plurality of the resultant photographs by the different settings values before performing the actual photographing.

The digital camera system as disclosed by Takagi does not, however, provide any solutions to the problems associated with how to *reduce image storage requirements*, e.g., how to maximize the number of images that are capable of being stored in a memory of limited size. More importantly, Takagi does not disclose, teach, or suggest those claim elements being relied upon in the Office Action when the claims are considered as a whole. In this regard, Takagi does not disclose, teach, or suggest compressing each of the plurality of resultant images. This has been acknowledged in the Written Opinion. Furthermore, since

Takagi does not disclose, teach or suggest compressing each of the plurality of resultant images, Takagi cannot be said to disclose, teach, or suggest *selecting from the plurality of compressed images created for each original image* one resultant image which is then placed into a concatenation file to thereby maximize the number of images that can be stored in a memory having limited capacity. In sum, all Takagi teaches with respect to "selecting" is using a plurality of displayed, predicted images to select a camera setting for taking a photograph.

D) Lee:

Lee discloses a digital camera system that is adapted to allow for the viewing of more than one image on a display. To allow more than one image to be displayed, Lee describes using a compression method to read out the image data written in memory – the compression method skipping predetermined horizontal and vertical lines which are set according to the number of images to be displayed. Accordingly, while Lee addresses the problems of how to display multiple images, Lee fails to disclose, teach, or suggest a solution to the problem of how to *reduce image storage requirements*, e.g., how to maximize the number of images that are capable of being stored in a memory of limited size. In this regard, according to the plain teachings of Lee - when Lee is considered in its entirety, the image data is conventionally stored in memory and only "compressed" when it is read out for display. Thus, the plain teachings of Lee are in direct contrast to the claimed invention when the claimed invention is considered as a whole, i.e., Lee does not disclose, teach, or suggest compressing each of the plurality of resultant images and selecting from the plurality of compressed images created for each original image one resultant image for the purpose of placing the selected compressed images into a concatenation file to thereby maximize the number of images that can be stored in a memory having limited capacity.

E) Takeda:

While Takeda may disclose a system for storing image data in compressed form, Takeda only describes compressing the original form of an image before it is stored in memory. Therefore, Takeda fails to disclose, teach, or suggest the claimed altering the content of each of a plurality of original images a corresponding plurality of different ways, compressing each of the plurality of resultant images, and selecting from the plurality of resultant images created from each of the plurality of original images one resultant image before the images are stored in memory.

F) Summary with respect to the combination of Takagi, Lee, and Takeda

In sum, none of the references being relied upon – even when considered in combination - disclose, teach, or suggest each and every element of the claimed invention when the claims are considered as a whole. For example, while the Office Action has asserted that Takagi discloses "selecting an image," the Office Action has failed to consider the entirety of the claim and has failed to take into account that Takagi does not disclose *selecting from the plurality of compressed images created for each original image* one resultant image, let alone selecting the compressed image having the smallest size, which is to be placed into a concatenation file to thereby maximize the number of images that can be stored in a memory having limited capacity. Rather, all that Takagi discloses is a method for selecting camera settings for taking a photograph. Similarly, while the Office Action has asserted that Lee discloses "compressing a plurality of images," the Office Action has failed to consider the entirety of the claim and has failed to take into account that Lee discloses storing images in a conventional manner and then "compressing" the images only when they are read to aid in the display of plural images but does not disclose compressing a plurality of images created by altering the content of original images and then selecting a compressed

image from the plurality of compressed images for placement into a concatenation file to thereby maximize the number of images that can be stored in a memory having limited capacity.

G) Kagle:

With respect to independent claims 25 and 27, it is submitted that the claims are not only allowable for the reasons set forth above but for the further reason that Kagle fails to disclose, teach, or suggest the elements of claims 25 and 27 noted to be missing from Tagaki, Lee, and Takeda when the claims are considered as a whole. In this regard, claims 25 and 27 set forth that the concatenation file includes data indicative of the degree to which each of the compressed images was rotated (or if the compressed image was flipped) as compared to its original image so that the data may be used to restore the image to its original orientation when the image is decompressed and displayed. Rather than disclose, teach, or suggest these claim elements, Kagle describes a system in which a digital camera includes an orientation sensor and, when a picture is taken, the picture can be automatically rotated to correct for camera rotation prior to the picture image being stored in the camera or the picture image can be stored in the camera with an indication of the degree of camera rotation to thereby allow the picture image to be rotated to correct for camera rotation when the picture image is viewed on an external device. In either of these described cases, Kagle is not concerned with the purposeful rotation (or flipping) of an original image (for the purpose of effecting the compression ratio of the original image) which then requires the re-rotation (or re-flipping) of the image when it is decompressed so that the image can be displayed with the same orientation as the original image from which the representation was created. In the system described in Kagle, the degree of rotation of the camera is considered -as opposed to the degree of rotation purposefully provided to an original image - and the degree of rotation of

the camera is not used to "rotate the displayed image so that the orientation of the displayed image *corresponds to the orientation of its corresponding original image*," but is instead used to singularly change the orientation of the original image when it is displayed on a device external to the camera so as to give the image an orientation corresponding to the horizon. Thus, for the reason that Kagle fails to disclose those elements of the claims, considering each and every word, which have been acknowledged to be missing from the Takagi, Lee, or Takeda and for the reason that Kagle fails to address the problem the subject invention overcomes, it is submitted that the claims must be deemed to contain patentable subject matter.

Respectfully Submitted;

Date: August 25, 2004

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